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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,134	03/24/2004	Fredrick B. Jenne	5298-17100 SMS03003	7719
35617	7590	05/13/2005	EXAMINER	
DAFFER MCDANEIL LLP			LE, THONG QUOC	
P.O. BOX 684908			ART UNIT	
AUSTIN, TX 78768			PAPER NUMBER	
			2827	

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/809,134 ✓	<b>Applicant(s)</b> JENNE ET AL.	
	<b>Examiner</b> Thong Q. Le	<b>Art Unit</b> 2827	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 16-27 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>080404</u> | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

1. Claims 1-27 are presented for examination.

#### ***Information Disclosure Statement***

2. This office acknowledges receipt of the following items from the Applicant:  
Information Disclosure Statement (IDS) filed on 08/04/2004.
3. Information disclosed and list on PTO 1449 was considered.

#### ***Specification***

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-14,16-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Ezaki et al. (Pub. 2004/0114443)U.S. Patent No. .

Regarding claims 1, 19, Ezaki et al. disclose a magnetic random access memory device (Figure 1), comprising:

an array of magnetic elements (104);

a plurality of conductive lines (ABSTRACT, Figure 3, 6Y) configured to set magnetization states of the magnetic elements (ABSTRACT, [0004]); and

circuitry (Figure 4, 55) configured to vary current applications along one or more of the conductive lines (ABSTRACT, [0004], [0007]).

Regarding claims 2-14,16-18,20, Ezaki et al. disclose wherein the circuitry is configured to vary an amount of current applied to the one or more conductive lines [0007], and wherein the circuitry is configured to vary the amount of current with respect to the direction along which the current is applied ([0003]-[0004]), and wherein the circuitry is configured to vary the amount of current with respect to the temperature of the magnetic random access memory device ([0038], [0140], 0173]), and wherein the circuitry is configured to vary the point in time at which current is applied to the one or more conductive lines ([0008]), and wherein the circuitry is configured to vary a length of time current is applied to the one or more conductive lines ([0008]-[0009]), and wherein the circuitry is configured to apply a write pulse current along one or more of the

conductive lines for a length of time sufficient to allow a source current to be measured from a voltage power supply coupled to the magnetic random access memory device during the application of the write pulse current ([0008]-0009]), and wherein the circuitry is configured to vary current applications for write operations of the magnetic random access memory device ([0008]), and wherein the circuitry is configured to vary current applications for read operations of the magnetic random access memory device ([0013]), and wherein the circuitry is configured to vary an amount of bias voltage applied along at least one of the plurality of conductive lines ([0034]-[0035]), and wherein the circuitry is configured to terminate the current applications upon determining a power level supplied to the magnetic random access memory device is below a predetermined threshold ([0023]), and comprising a reprogrammable non-volatile latch configured to store parameter settings for the current applications ([0001]-[0002]).

Regarding claim 13, Ezaki et al. disclose a device, comprising:  
a magnetic random access memory array (Figure 1, 104); and  
a first storage circuit comprising one or more magnetic elements ([0041]-[0042]), wherein the first storage circuit is configured to store parameter settings characterizing operations of the magnetic random access memory array within the magnetic elements ([0041]-[0042]), and wherein the parameter settings are settings selected for use by a customer of the device ([0041]-[0042]), and comprising an alternative means by which to store parameter settings characterizing operations of the magnetic random access memory array ([0003]), and a second storage circuit having one or more magnetic

elements, wherein the second storage circuit is configured to send a control signal by which to select the first storage circuit or the alternative means to send the parameter settings to the magnetic random access memory array ([0003-0004]).

Regarding claims 21-27, the apparatus discussed above would perform the method claims 21-27.

***Allowable Subject Matter***

7. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 15 includes allowable subject matter since the prior art made of record and considered pertinent to the applicant's disclosure does not teach or suggest the claimed limitations. Ezaki et al. (Pub. U.S. Patent No. 2004/0114443)), and others, does not teach the claimed invention having a parameter setting are settings selected for testing qualitative features of the magnetic random access memory array.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Le whose telephone number is 571-272-1783. The examiner can normally be reached on 8:00am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoai V. Ho can be reached on 571-272-1777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2827

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q. Le  
Primary Examiner  
Art Unit 2827

**THONG LE**  
**PRIMARY EXAMINER**